

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:09cv170**

<b>VALDESE WEAVERS, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>HIGHLAND FABRICS, INC.; and</b>	)	
<b>STUART COSGRIFF,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the court upon plaintiff's "Motion for Oral Argument Re Defendants' Motion to Dismiss and Surreply to Defendants' Reply to Plaintiff's Response to Motion to Dismiss." Counsel for plaintiff is advised that Local Civil Rule 7.1(E) does not permit the filing of a surreply. If a surreply is desired, counsel may file a motion seeking leave of court to do so for good cause shown. Even if a surreply had been permitted, counsel for plaintiff is advised that such admixture of a responsive pleading and a new motion is specifically prohibited by Local Civil Rule 7.1(C)(2). As to the substance of the request for hearing, counsel for plaintiff is advised that upon receipt of the Reply, the court commences its decision making process on the pleadings then before it - - at this point, the court

has been *actively* working on the Motion to Dismiss for nearly two weeks, making a request for hearing untimely.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff's Motion for Oral Argument Re Defendants' Motion to Dismiss and Surreply to Defendants' Reply to Plaintiff's Response to Motion to Dismiss is **STRICKEN** as improvidently filed.

Signed: June 16, 2009

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

